



# BOARD REPORT

**TO:** Chair and Directors

**File No:** BL660

**SUBJECT:** Electoral Areas B, E and F: Building Bylaw No. 660 (CSR D)

**DESCRIPTION:** Report from Gerald Christie, Manager Development Services, dated January 8, 2018.

A bylaw to regulate building construction in Electoral Areas B, E and F and to replace existing Building Regulation Bylaw No. 630.

**RECOMMENDATION #1:** THAT: Building Bylaw No. 660 be read a first, second and third time this 18th day of January, 2018.

## SHORT SUMMARY:

Throughout the summer of 2017, CSR D Development Services staff informed residents of Electoral Areas B, E and F that the Board had resolved to bring building regulation to their areas and that existing CSR D regulations pertaining to building inspection already in place in Electoral Area F would also be changed, e.g. going from three (3) to six (6) inspections. The results of the public engagement was summarized and presented to the Board at the September 21, 2017 Board meeting. At the same meeting the Board again confirmed the participation of the three Electoral Areas in the new and modified building regulation service and instructed staff to prepare a new building bylaw. The new proposed bylaw has been developed in consultation with the Municipal Insurance Association of BC (MIABC), the Housing Branch of the Province of BC, and CSR D legal counsel. The proposed bylaw represents a minimum but effective standard for building regulation in the province, and is the first 'template' of its kind for a primarily rural regional district which also takes into account the most recent BC *Building Act* changes that are now in effect.

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<b>VOTING:</b>	Unweighted Corporate <input checked="" type="checkbox"/>	LGA Part 14 (Unweighted) <input type="checkbox"/>	Weighted Corporate <input type="checkbox"/>	Stakeholder ( <i>Weighted</i> ) <input type="checkbox"/>
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## BACKGROUND:

A Building Bylaw is required to implement any new building regulation system at the local government level. Currently, the existing CSR D Building Regulation Bylaw No. 630 only applies to the settlement areas of the North Shuswap in Electoral Area F. A new bylaw is, therefore, necessary to implement building regulation in Electoral Areas B and E. A new bylaw is also necessary to incorporate the substantive regulatory changes brought about to the construction industry through the new BC *Building Act*. The new *Building Act* deals with consistency and implementation of the BC Building Code (BCBC), changes to Building Official qualifications and scope of practice, and what construction related issues can be dealt with by local government and which cannot.

With the province making significant changes to the provincial *Building Act* with regard to how and what local governments can regulate for the construction of buildings and structures, several local governments have been attempting to update their existing building regulations to be in conformance

with the new provincial requirements. In light of the difficulties that some local governments were facing in making these changes, the Union of BC Municipalities (UBCM) and the Municipal Insurance Association of BC (MIABC) then sought assistance from a local government law firm in developing a draft template upon which local governments could base new building regulation bylaws. The proposed Building Bylaw No. 660 is based on this new template but at a level of detail more appropriate for the small communities and rural environment found in the CSRD. The initial template created for larger urban municipalities was in excess of 200 pages long; through several reviews by CSRD Development Services staff, CSRD legal counsel, UBCM staff, MIABC staff, and the provincial Housing Branch, Building Bylaw No. 660 has been reduced to 40 pages with 10 pages of appendices. The content and regulations contained in the bylaw are now appropriate for the CSRD while still incorporating the latest *Building Act* and legislative requirements, and ensuring BCBC compliance for construction, and occupant health and safety.

As there are now clear regulatory requirements detailed in the *Building Act*, the previous provincial concurrent authority of Building Bylaws is removed as of December 15, 2017. Therefore, new Building Bylaws no longer require the approval of the province prior to their adoption by a regional district. For this reason, the CSRD Board can give first, second and third readings to this bylaw at the January 18, 2018 Board meeting and then adopt Building Bylaw No. 660 at the February 15, 2018 Board meeting without the need for provincial approval.

**POLICY:**

There are no new associated policies required at this time for the implementation of Building Bylaw No. 660.

**FINANCIAL:**

An allocation was made starting in the 2017 budget for two additional staff to be hired in the last quarter of the year to assist with the implementation and administration of a building regulation service in Electoral Areas B and E. A new Building Inspector started in November and a Building Assistant started in December 2017. A sub regional building inspection budget has been created for Electoral Areas B and E, and a separate budget continues for the existing Electoral Area F building inspection service. Budget discussions starting in January 2018 will provide further details about the budget for the building regulation service in Electoral Areas B, E and F.

**KEY ISSUES/CONCEPTS:**

The existing Building Regulation Bylaw No. 630 which applies to portions of Electoral Area F, dates back to 2001 and has been amended several times. Significant changes to legislation, case law, and the BCBC have made the bylaw very outdated, most notably the ineffectiveness of the bylaw's three building inspection regime in administering BCBC requirements and limiting liability to the CSRD. Therefore the number of building inspections will increase from three (3) to six (6). The following inspection changes have been made:

Building Regulation Bylaw No. 630 (existing)	Building Bylaw NO. 660 (new)
1) Footing Construction Stage	1) Footing Construction (before concrete)
	2) Pre-Backfill
	3) Under slab plumbing rough-in
2) Framing Construction Stage	4) Framing construction
	5) Insulation and vapour barrier and air barrier
3) Completion Stage	6) Final inspection

Other significant changes found in the new Building Bylaw No. 660 include:

- Clarification with regard to responsibilities of registered professionals if those services are necessary;
- Clarification as to requirements for building permit applications and submitted site plans;
- Details as to 'stop work' orders;
- Details as to permit expiration, extension, revocation or cancellation;
- Clarification as to the granting of an occupancy permit and final inspection, including for temporary buildings;
- Updated definitions section and construction and schedule terminology; and,
- Updated forms including Confirmation of Professional Liability Insurance.

Aside from the number of inspections, many of these changes have already been in practice through various powers vested with the Building Inspector; however, such regulations should be included in the bylaw for clarity and are important legally to uphold the bylaw if challenged. Although most municipalities have many more building-related regulations in their building bylaws, and several more building inspections than what is proposed in Bylaw No. 660, this proposed bylaw meets MIABC and applicable provincial legislation requirements, while still tailored to meet the needs of the CSRD at this time.

Given the technical nature and extensive breadth of Bylaw No. 660 in applying to most new construction, it is important to note there will undoubtedly be specific items of the bylaw that will need further review and possibly modification over time after the bylaw is implemented. To that end, staff have already notified the Shuswap Construction Industry Professionals (SCIP) and other contractors and engineers who work within the CSRD and our member municipalities and have enlisted their help in reviewing Bylaw No. 660 this January; staff will inform the Board of the results of these meetings and make recommendations for amendments to the bylaw as appropriate prior the bylaw's adoption. Staff expect to have ongoing discussions with professionals working in the construction industry throughout the implementation of the new bylaw.

### **SUMMARY:**

Building Bylaw No. 660 represents several months of staff time working extensively with legal CSRD counsel, MIABC, UBCM, and provincial staff in preparing a new up to date bylaw that will work for the CSRD in implementing a new building inspection service to Electoral Areas B and E, and which updates existing building regulations for the existing service in Electoral Area F. The new bylaw meets the

procedural and legal requirements necessary for a regional district to implement building regulations in the participating Electoral Areas.

Staff desire to meet with local construction industry professionals who may have some further practical ideas that could also be included in the bylaw. If this bylaw is granted three readings staff will meet with local construction professionals, make additional amendments to the bylaw as necessary, and bring the recommended amendments to the bylaw to the Board when adoption of the bylaw is considered at the February 15, 2018 meeting. Building inspection would then be ready to be provided to Electoral Areas B, E and F through Building Bylaw No. 660 in time for the proposed start date of March 5, 2018 for the new service.

### **IMPLEMENTATION:**

Subject to adoption by the Board at the February 15, 2018 Board meeting, on March 5, 2018 Building Bylaw No. 660 would come into force.

The building staff in the Development Services Department have excellent knowledge of the BC Building Code and experience in the building permit process. They have already been answering questions from residents in Electoral Areas B, E and F about the service and have travelled to these areas to familiarize themselves with the communities, roads and travel times. As with any new service there will be a learning curve for residents as well as staff as to the implementation of the new bylaw requirements; staff will monitor and report out to the Board later this year as to what is working well and if any changes are necessary to make the bylaw more effective.

### **COMMUNICATIONS:**

Details and a timeline for communications with regard to the implementation of the new building inspection service was presented to the Board at the October 19, 2017 meeting which noted the following:

- December – newspaper advertising, CSRD website notices and webpage, and social media advertising noting that Building Inspection will begin in Electoral Areas B and E on March 5, 2018. Advertising in Electoral Area F that the existing building regulations will be changing starting March 5, 2018 from three (3) to six (6) inspections.
- January – CSRD staff meet with local construction industry professionals.
- February – advertising in local newspapers continues along with information on the CSRD website, and on social media.
- February for Electoral Areas B and E:
  - Flyers to be distributed to mailboxes noting the requirements of the new service
  - Staff are also currently looking into the effectiveness, cost and ability to place signage along road rights of way near communities.
  - Radio advertising may also be used to notify residents of the new service.

Directors of the participating Electoral Areas will receive copies of all communication material so they are informed of the information being provided and to help with any questions the public may have.

### **DESIRED OUTCOMES:**

That the Board endorse the staff recommendations.

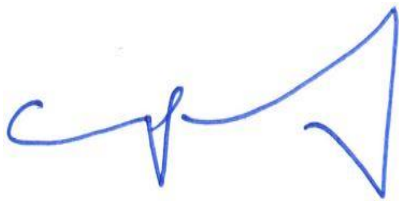
**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**Report Approval Details**

Document Title:	2018-01-18_Board_DS_BL660_Building_Bylaw.docx
Attachments:	- BL660_first_second_third.pdf.pdf
Final Approval Date:	Jan 10, 2018

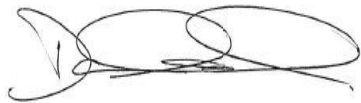
This report and all of its attachments were approved and signed as outlined below:



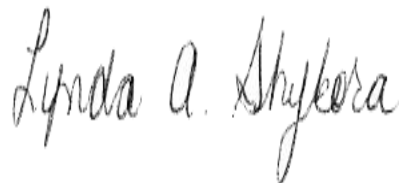
**Corey Paiement - Jan 9, 2018 - 4:25 PM**

**No Signature - Task assigned to Jodi Pierce was completed by assistant Sheena Haines**

**Jodi Pierce - Jan 9, 2018 - 4:36 PM**



**Darcy Mooney - Jan 10, 2018 - 8:54 AM**



**Lynda Shykora - Jan 10, 2018 - 10:14 AM**



**Charles Hamilton - Jan 10, 2018 - 10:56 AM**